

## **Remarks**

### **Claims**

Claims 19 and 27-51 are currently pending in this application. Claims 1-18 and 24-26 are withdrawn, and claims 20-23 have been cancelled.

Claims 31, 35, 38 and 48 are amended in this paper. Support for the amendments to claim 31 can be found at least on claim 31 as originally filed and on page 17, line 21 of the Specification as originally filed. Support for the amendments to claim 35 can be found at least on claims 34 and 35 as originally filed. Support for the amendments to claim 38 can be found at least on page 17, line 28 of the Specification as originally filed. Support for the amendments to claim 48 can be found at least on claim 19 as originally filed, and on page 4, lines 32-36 and on page 11, lines 16-19 of the Specification as originally filed. All amendments are made without prejudice or waiver.

### **Species Elections**

This paper is filed in response to the Restriction Requirement of August 11, 2008. In this paper, Applicant elects the species recited by the PTO with traverse, as follows.

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 27 as "enzymatically lysing the sample, grinding the sample, cooling the sample in liquid nitrogen, glass bead beating the sample, incubating the sample in toluene, sonicating the sample." From these species, Applicant herein elects "sonicating the sample."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 30 as "ascorbic acid, benzoic acid, formic acid, acetic acid, propionic acid, butyric acid, valeric acid, an amino acid, citric acid, orthophosphoric acid." From these species, Applicant herein elects "citric acid."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 31 as "urea, thiourea." From these species, Applicant herein elects "thiourea."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claims 33 and 50 as "C7BzO, ASB 14." From these species, Applicant herein elects "C7BzO."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claims 34 and 45 as "DTT, TBP, beta-mercaptoethanol, iodoacetamide." From these species, Applicant herein elects "TBP."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claims 35 and 46 as "iodoacetamide, vinyl pyridine, acrylamide, iodoacetic acid." From these species, Applicant herein elects "acrylamide."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 38 as "ammonium sulfate, PEG." From these species, Applicant herein elects "ammonium sulfate."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 38 as "methanol, acetone." From these species, Applicant herein elects "acetone."

In the Restriction Requirement, the PTO lists, inter alia, "species" regarding claim 40 as "organic acid buffer, inorganic acid buffer, amino acid solution." From these species, Applicant herein elects "amino acid solution."

All of the above species elections are made with traverse for the following reasons.

A restriction is not proper if claims can be examined together without a serious burden on the PTO. MPEP §803. In addition, a claim in dependent form is construed to include all the limitations of the claim to which it refers. 35 USC §112, fourth paragraph. Accordingly, a dependent claim referring to a "species" as set forth by the PTO includes all the elements of the claim(s) from which it depends. For example, in the present case, although claim 27 recites "enzymatically lysing the sample, grinding the sample, cooling the sample in liquid nitrogen, glass bead beating the sample, incubating the sample in toluene, sonicating the sample, and a combination thereof," it also recites, by virtue of dependence from claim 19, a "method of solubilising at least one proteinaceous macromolecule comprised by a biological sample, the method comprising: comprising (i) forming a mixture comprising a buffer, a chaotropic agent and a biological sample comprising at least one proteinaceous macromolecule, at a pH between about pH 1.0 and pH 7, and (ii) disrupting the biological sample in the presence of the buffer and the chaotropic agent, at a pH between about pH 1.0 and about pH 6.0." A search by the PTO for prior art disclosing the elements of claim 27, therefore, will entail a search for methods of solubilising proteinaceous macromolecules by forming a mixture comprising a buffer, a chaotropic agent and a biological sample comprising at least one proteinaceous macromolecule, at a pH between about pH 1.0 and pH 7, and disrupting the biological sample in the presence of the buffer and the chaotropic agent, at a pH between about pH 1.0 and about pH 6.0. If the PTO finds no such prior art, additional searching for a prior art disclosure of solubilisation methods recited in claim 27 (enzymatically lysing the sample, grinding the sample, cooling the sample in

liquid nitrogen, glass bead beating the sample, incubating the sample in toluene, sonicating the sample, and a combination thereof) would likely be either duplicative or superfluous. Accordingly, a search by the PTO for methods of solubilising at least one proteinaceous macromolecule comprised by a biological sample, the method comprising: comprising (i) forming a mixture comprising a buffer, a chaotropic agent and a biological sample comprising at least one proteinaceous macromolecule, at a pH between about pH 1.0 and pH 7; and (ii) disrupting the biological sample in the presence of the buffer and the chaotropic agent, at a pH between about pH 1.0 and about pH 6.0 can further include any of the additional elements recited in claim 27 without a serious burden on the PTO. Similar considerations also apply to all other claims the PTO is subjecting to species Restriction in the present paper. Applicant, therefore, respectfully traverses the Restriction Requirement with respect to the species recited by the PTO, and requests reconsideration and withdrawal of this Restriction Requirement by the PTO.

Furthermore, in view of the Amendments to the Claims contained herein, Applicant requests that the Examiner at least modify the requirement for election of a species of precipitating agent in amended claim 38. Applicant further requests, in view of the Amendments to the Claims, that the examiner withdraw at least the requirement for election of a species of chaotropic agent as defined by claim 31 of (i) urea or (ii) thiourea. Applicant additionally requests the withdrawal of the requirement for the election of a species of organic agent as defined by claims 38-46 as (i) methanol or (ii) acetone.

The species elections made in this paper read on claims 27-28, 30-31, 33-35, 38-46 and 50-51.

Applicant requests rejoinder of the non-elected species upon allowance of any generic claims or claims directed to the elected species.

**Conclusion**

As it is believed the application is in a condition for allowance, Applicant requests prompt and favorable action.

Applicant requests that the Examiner contact the undersigned attorney by telephone if a discussion would be of benefit toward gaining a rapid allowance of the claims.

Applicant encloses herewith via EFS-WEB credit card payment of \$1,730.00, the fee set forth for a four-month extension of time for a large entity under 37 CFR §1.17(a)(4). The Commissioner is hereby authorized to deduct any deficiency or credit any overpayment with respect to this filing to Deposit Account No. 19-3140.

Dated: January 9, 2009

Respectfully submitted,

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